

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMAS MAJCHROWSKI &
ASSOCIATES, INC.
dba TERESCRIPTION,

Plaintiff,

v.

3PLAY MEDIA, INC.,

Defendant.

Civil Action No. 1:17-CV-11048-MLW

DEFENDANT 3PLAY MEDIA, INC.'S MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant 3Play Media, Inc. (“3Play”) respectfully moves this Court to dismiss Plaintiff Terescription’s Complaint against 3Play with prejudice on the grounds that U.S. Patent No. 8,577,683 is invalid under 35 U.S.C. § 101 and the Supreme Court’s decision in *Alice Corp. Pty. Ltd. v. CLS Bank Int’l.*, 134 S. Ct. 2347 (2014).

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), 3Play respectfully requests that the Court hold oral argument on its Motion to Dismiss. 3Play believes that oral argument will materially assist the Court in ruling on the Motion.

Dated: November 10, 2017

/s/ Nathan R. Speed
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LOCAL RULE 7.1(A)(2) CERTIFICATE OF COUNSEL

I conferred with counsel for Plaintiff and have attempted in good faith to resolve or narrow the issues raised in this motion. Counsel for Plaintiff opposes the relief requested in this motion.

/s/ Nathan R. Speed
Nathan R. Speed

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed
Nathan R. Speed